

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

WILLIAM M. SCHMALFELDT,

Plaintiff,

VS.

PATRICK G. GRADY, et al,

**Defendants.**

Civil Action No. 1:15-cv-01241 RDB

**ORDER ON  
MOTION FOR AN ORDER  
REQUIRING PLAINTIFF  
TO APPEAR AND SHOW CAUSE  
[ECF 19]**

THE COURT, having considered the motion by Defendants David Edgren and Scott Hinckley, who have not yet been served but who have appeared specially before the court *pro per*, for an order requiring Plaintiff to appear and show cause as to why he should not be subject to sanctions based upon Plaintiff having willfully, purposefully and materially misled the court as to his financial circumstances in Plaintiff's motion to proceed *in forma pauperis* in this case, and Plaintiff's response and said defendants' reply, and having thus become fully informed in the premises of the matters raised in the motion, now finds and concludes that Defendants Edgren and Hinckley have shown good cause based upon the reasons set forth in their motion for the court to require Plaintiff to appear and show cause as to the matters raised in the motion. The court further finds that Plaintiff's response sets forth no reason of any sort

for the court to find otherwise, or that Plaintiff should not be required to produce for the inspection and review of the various named defendants and this court Plaintiff's banking records dating from October 1, 2014, through the current month, or that a witness subpoena compelling the attendance of Plaintiff's stepson Thomas J. Balcerak at the hearing should not issue.

HAVING MADE AND ENTERED its findings and conclusions, and based upon same,  
NOW; THEREFOR

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. The motion made by Defendants Edgren and Hinckley for an order requiring Plaintiff to appear and show cause is GRANTED.
2. Plaintiff shall appear before the court and show cause as to why he should not be subject to sanctions in connection with willfully and purposefully omitting material financial information from his motion to proceed *in forma pauperis* in this case.
3. A hearing is set on for this purpose on the \_\_\_\_ day of \_\_\_\_\_, 2015, in Courtroom \_\_\_\_, \_\_\_\_\_ Courthouse, \_\_\_\_\_, Maryland commencing at \_\_\_\_ o'clock \_\_\_\_m.
4. Plaintiff must appear before the court in person. All defendants may appear telephonically at the hearing at their individual expense by calling the court's conference number at \_\_\_\_\_ and providing the code \_\_\_\_\_ at the prompt.

5. Plaintiff shall, by or before ten days before the date of the hearing, mail by First Class U.S. Mail to each named defendant his complete banking records from all checking and savings accounts he had in his name, his name with another (joint account), or under the name of another for his benefit, between October 1, 2014, to the current month, to include, without limit, monthly, quarterly or other periodic statements, canceled checks, and deposit records. Plaintiff shall also provide a copy of all such records so produced to the court at the time of the hearing .

6. The court shall, on presentation at the Clerk's Office of a duly prepared witness subpoena by a defendant or his or her agent, issue said subpoena to compel the attendance and testimony of Thomas J. Balcerak at the show cause hearing.

ENTERED \_\_\_\_ day of \_\_\_\_\_, 2015.

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RICHARD D. BENNETT  
UNITED STATES DISTRICT JUDGE